



[10611/48601]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AF/3738

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TECHNOLOGY CENTER R3700

Applicant(s) : RICHTER et al.
Serial No. : 09/004,420
Filed : January 8, 1998
Title : METHOD AND DEVICE FOR FIXATION
OF A SENSOR IN A BODILY LUMEN

Art Unit : 3736

Examiner :

R. Nasser

Customer No. :

26646

I hereby certify that this correspondence is being deposited with
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Date

2/27/04

Atty's Reg. #

41,172

Atty's Signature

Lg Magist

DERVIS MAGISTRE
KENYON & KENYON

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL

SIR:

Applicants hereby appeal the Examiner's decision made in the Office Action dated August 27, 2003 rejecting claims 1, 12-19, 24, 25, 29-37, 39, 40, 70-84. Although this Office Action is non-final, the Notice of Appeal is not premature because claims 1-21 have been rejected at least two times. See Rule 1.191(a).

Applicants respectfully request a three-month extension of time in which to respond to the Office Action pursuant to 37 C.F.R. § 1.136(a), for which a response period expiring on November 27, 2003 was set. The extended period expires on February 27, 2004.

The Commissioner is hereby authorized to charge payment of the 37 C.F.R. § 1.191 Notice of Appeal fee of \$330.00 and the 37 C.F.R. § 1.136(a) three-month extension fee of \$950.00 to the deposit account of **Kenyon & Kenyon**, deposit account number **11-0600**. Any additional fees deemed necessary should also be charged to Deposit Account No. 11-0600. An additional copy of this Notice is enclosed for that purpose.

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01 FC:1401
02 FC:1253330.00 DA
950.00 DA

Respectfully submitted,

KENYON & KENYON

Dated: 2/27/04

By:

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